

House Bill 1494 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 113<sup>th</sup> and Holt of the 112<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a board of elections and registration for Morgan County and to provide for its  
2 powers and duties; to provide for definitions; to provide for the composition of the board and  
3 the selection and appointment of members; to provide for the qualification and terms of  
4 members; to provide for employees of the board; to provide for meetings, procedures, and  
5 vacancies; to relieve certain officers of powers and duties and to provide for the transfer of  
6 functions to the newly created board; to provide for compensation of personnel; to provide  
7 for offices and equipment; to provide for construction; to provide for the board's  
8 performance of certain functions and duties for certain municipalities; to provide for the  
9 submission of this Act for approval pursuant to Section 5 of the federal Voting Rights Act  
10 of 1965, as amended; to provide for related matters; to provide an effective date; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
15 Board of Elections and Registration of Morgan County, hereinafter referred to as "the board."  
16 The board shall have the powers and duties of the former Morgan County election  
17 superintendent relating to the conduct of primaries and elections and shall have the powers  
18 and duties of the Morgan County Board of Registrars relating to the registration of voters and  
19 absentee balloting procedures.

20 **SECTION 2.**

21 The terms "election," "elector," "political party," "primary," and "public office" shall have  
22 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia  
23 Election Code," unless otherwise clearly apparent from the text of this Act; and the term

1 "commissioners" means the board of commissioners of Morgan County and "county" means  
2 Morgan County.

### 3 **SECTION 3.**

4 (a) The board shall be composed of five members, each of whom shall have been a resident  
5 of Morgan County for a minimum of one year prior to appointment and shall be registered  
6 to vote in Morgan County. One member shall be appointed by the board of commissioners  
7 of Morgan County. Two members shall be appointed by the chairperson of the county  
8 executive committee of the political party which received the highest number of votes within  
9 the county for its candidate for Governor in the general election immediately preceding the  
10 appointment of such member. Two members shall be appointed by the chairperson of the  
11 county executive committee of the political party which received the second highest number  
12 of votes within the county for its candidate for Governor in the general election immediately  
13 preceding the appointment of such member.

14 (b) The initial term of three members shall expire December 31, 2009, and upon the  
15 appointment and qualification of their respective successors. The initial terms of office of  
16 the remaining members of the board shall expire December 31, 2011, and upon the  
17 appointment and qualification of their respective successors.

### 18 **SECTION 4.**

19 Each member of the board shall:

20 (1) Serve for a term of four years and until a successor is appointed and qualified, except  
21 that initial terms of office shall be as provided in subsection (b) of Section 3 of this Act;

22 (2) Be eligible to be reappointed to succeed himself or herself and shall have the right  
23 to resign at any time by giving written notice of such resignation to the appointing  
24 authority; and

25 (3) Serve until his or her successor is appointed and duly qualified.

26 There shall be no limit to the number of terms a member may serve.

### 27 **SECTION 5.**

28 The board shall appoint a person to serve as chairperson of the board. The chairperson shall  
29 be elected on an annual basis, at the first meeting of each year of the board, by vote of the  
30 board in the same manner as any other vote. The chairperson shall preside over all meetings  
31 of the board and shall only vote in the event of a tie.

### 32 **SECTION 6.**

1 The board shall operate on a full-time basis and the board shall have the authority to  
2 recommend a supervisor of elections for appointment who shall manage the day-to-day  
3 operations and report directly to the board. The appointment of the supervisor shall be made  
4 by the board of commissioners of Morgan County, which will consider the recommendation  
5 of the board of elections and registration. The board of commissioners shall be responsible  
6 for determining the pay and salary of the supervisor. The supervisor shall not be a member  
7 of the board of elections and registration. The supervisor of elections shall be considered an  
8 at-will employee of the board of commissioners and shall be eligible for benefits to be  
9 determined in the same manner as for other county employees.

#### 10 **SECTION 7.**

11 (a) The board may request additional clerical assistants as needed to efficiently carry out the  
12 duties and functions of the board, on either an independent contract basis or as a county  
13 employee entitled to all benefits as other county employees, to be decided by the board of  
14 commissioners. The board of commissioners shall be responsible for determining the pay  
15 and salary of all clerical assistants of the board. Any such assistants shall be hired by the  
16 board of commissioners, which will consider the recommendation of the board, and such  
17 assistants shall be at-will employees of the board of commissioners.

18 (b) The board of commissioners shall provide suitable offices and funding sufficient to  
19 employ the staff and other employees of the board as may be necessary.

#### 20 **SECTION 8.**

21 (a) The board shall be empowered with all the powers and duties relating to the conduct of  
22 primaries and elections as election superintendents pursuant to the provisions of Chapter 2  
23 of Title 21 of the O.C.G.A., the "Georgia Election Code."

24 (b) The board is empowered with all the powers and duties relating to the registration of  
25 voters and absentee balloting procedures as boards of registrars pursuant to the provisions  
26 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

27 (c) This Act is intended to implement the provisions of subsection (b) of Code Section  
28 21-2-40 of the O.C.G.A. and shall be construed liberally so as to effectuate that purpose.

#### 29 **SECTION 9.**

30 The board shall be responsible for the selection, appointment, and training of poll workers  
31 in elections.

#### 32 **SECTION 10.**

1 The board shall have the authority to contract with any municipality or governmental  
2 authority located within the county for the holding by the board of any primary, election, or  
3 referendum to be conducted within the municipality or for the governmental authority.

4 **SECTION 11.**

5 Should a vacancy occur on the board, the respective appointing authority shall appoint a  
6 successor to serve the remainder of the unexpired term.

7 **SECTION 12.**

8 No person holding an elective public office shall be eligible to serve as a member of the  
9 board during the term of such elective office, and the position of any member of the board  
10 shall be deemed vacant upon such member's qualifying as a candidate for elective public  
11 office.

12 **SECTION 13.**

13 The board shall not begin its responsibilities and duties to conduct primaries and elections  
14 and to register electors until January 1, 2007, or a later date to be determined by the board  
15 of commissioners, at which time the board shall take over all functions of the superintendent  
16 of elections and board of registrars as provided in Section 1 of this Act. Until January 1,  
17 2007, or a later date to be determined by the board of commissioners, the superintendent of  
18 elections and board of registrars shall continue to conduct and administer primaries and  
19 elections and register electors, respectively. Nothing in this Act shall prevent the  
20 appointment of members to the board, the hiring of an elections supervisor, the hiring of  
21 clerical staff, or any necessary training for the members of the board, the elections  
22 supervisor, and clerical assistants.

23 **SECTION 14.**

24 The governing authority of Morgan County shall cause, through its legal counsel, this Act  
25 to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965,  
26 as amended, within 45 days after the date on which this Act is approved by the Governor or  
27 otherwise becomes law without such approval.

28 **SECTION 15.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law  
30 without such approval.

- 1 **SECTION 16.**
- 2 All laws and parts of laws in conflict with this Act are repealed.